UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,008	03/31/2004	Riley W. Jackson	42P18510	9565

8791 7590 04/03/2007

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

EXAMINER	
AU, GARY	
ART UNIT	**PAPER NUMBER**
2617	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/816,008	JACKSON ET AL.	
	Examiner	Art Unit	
	Gary Au	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 December 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5-19, 21-25,27 and 28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,5-19, 21-25, 27 and 28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 17 and 23 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 5, 6, 8, 9, 17, 21, 23 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,542,730 (Hosain) and further in view of US Patent No. 6,774,797 Freathy et al. (Freathy).

Considering claim 1 and 17, Hosain teaches a method and a computer readable medium encoded with a computer program, comprising: sending a message on a wireless network (col. 13 lines 43-67) to a mobile computer (col. 1 lines 11-14, where wireless device includes cellular phone or mobile computer); *if the mobile computer receives the message, the mobile computer sending a confirmation that the message was received to the message sender* (col. 7 lines 49-57) *and* disabling the mobile computer (col. 13 lines 43-67); *and if the message sender does not receive the acknowledgement, checking the wireless network for the reconnectivity of the mobile*

computer to the network (col. 13 lines 43-67). However, Hosain does not teach queuing the message and sending the queued message to the mobile computer upon the mobile computer reconnecting to the network.

In an analogous art, Freathy teaches queuing the message and sending the queued message to the mobile computer upon the mobile computer reconnecting to the network (col. 6 lines 45-53).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Hosain's system to include queuing the message and sending the queued message to the mobile computer upon the mobile computer reconnecting to the network, as taught by Freathy, for the advantage of ensuring that the mobile computer receives the message when it is available.

Considering claim 23, Hosain teaches a system, comprising: a bus; a processor coupled to the bus; a network interface card coupled to the bus (it is obvious that these are built in the system); and memory coupled to the processor, the memory adapted for storing instructions (memory 330 – figure 3, col. 4 lines 16-26), which upon execution by the processor sends a message on a wireless network (col. 13 lines 43-67) to a mobile computer (col. 1 lines 11-14, where wireless device includes cellular phone or mobile computer), *if the mobile computer receives the message, the mobile computer sending a confirmation that the message was received to the message sender* (col. 7 lines 49-57) *and* disabling the mobile computer (col. 13 lines 43-67); *and if the message sender does not receive the acknowledgement, checking the wireless network for the*

reconnectivity of the mobile computer to the network (col. 13 lines 43-67). However, Hosain does not teach queuing the message and sending the queued message to the mobile computer upon the mobile computer reconnecting to the network.

In an analogous art, Freathy teaches queuing the message and sending the queued message to the mobile computer upon the mobile computer reconnecting to the network (col. 6 lines 45-53).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Hosain's system to include queuing the message and sending the queued message to the mobile computer upon the mobile computer reconnecting to the network, as taught by Freathy, for the advantage of ensuring that the mobile computer receives the message when it is available.

Considering claim 5, Freathy further teaches receiving the queued message upon power up if the mobile computer was powered down when the message was received (col. 4 lines 23-36).

Considering claim 6, Freathy further teaches receiving the queued message upon waking if the mobile computer was in a suspended state when the message was received (col. 6 lines 40-53).

Considering claims 8, 21, and 27, Freathy further teaches ascertaining the current location of the mobile computer upon receipt of the message; and sending the location back to the originator of the message (col. 4 lines 1-11).

Considering claim 9, Freathy further teaches ascertaining the location of the mobile computer further comprises receiving GPS location information on the mobile computer (col. 6 lines 22-39).

Considering claim 11, Freathy teaches a cellular network (col. 2 lines 65-67).

4. Claims 2, 10, 12, 13, 18, 22, 24 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,542,730 (Hosain) and US Patent No. 6,774,797 Freathy et al. (Freathy) as applied to claims 1, 17 and 23 above, and further in view of US Patent No. 6,741,851 Lee et al. (Lee).

As to claims 2, 18, and 24, the combined system of Hosain and Freathy teaches the system above but fails to disclose pre-setting and storing a security code on the mobile computer; sending a security code message to the mobile computer using the wireless network; and determining the authenticity of the sender of the message by comparing the sent security code message to the pre-set security code stored on the mobile computer.

In an analogous art, Lee teaches pre-setting and storing a security code on the mobile computer (step 210 – figure 2, col. 4 lines 30-32); sending a security code

message to the mobile computer using the wireless network (col. 3 line 66 – col. 4 line 6); and determining the authenticity of the sender of the message by comparing the sent security code message to the pre-set security code stored on the mobile computer (col. 4 lines 33-36).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Hosain and Freathy to include pre-setting and storing a security code on the mobile computer; sending a security code message to the mobile computer using the wireless network; and determining the authenticity of the sender of the message by comparing the sent security code message to the pre-set security code stored on the mobile computer, as taught by Lee, for the advantage of protecting data (col. 2 lines 12-31).

As to claim 10, the combined system of Hosain and Freathy teaches a method of claim 1, wherein disabling the mobile computer upon receipt of the wireless signal but fails to disclose formatting a storage device on the mobile computer.

In an analogous art, Lee teaches formatting a storage device on the mobile computer (col. 4 lines 45-55).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Hosain's system to include formatting a storage device on the mobile computer, as taught by Lee, for the advantage of protecting data (col. 2 lines 12-31).

As to claims 12 and 22, the combined system of Hosain and Freathy teaches a method of claims 1 and 17 but fails to disclose sending a confirmation back to the message sender upon successfully disabling the wireless computer.

In an analogous art, Lee teaches sending a confirmation back to the message sender upon successfully disabling the wireless computer (col. 4 lines 64-67).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Hosain's system to include sending a confirmation back to the message sender upon successfully disabling the wireless computer, as taught by Lee, for the advantage of acknowledging the system message is received.

As to claims 13 and 28, the combined system of Hosain and Freathy teaches a method of claim 2 but fails to disclose the security code comprises a Short message Service message.

In an analogous art, Lee teaches a Short message Service message (col. 3 lines 51-60).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Hosain's system to include a short message service message, as taught by Lee, for the advantage of transmitting the protection control information (col. 2 lines 48-63).

5. Claims 3, 16, 19 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,542,730 (Hosain) and US Patent No. 6,774,797

Freathy et al. (Freathy) in view of US Patent Application No. 2003/0199267 Iwasa et al. (Iwasa).

Considering claims 3, 19, and 25, the combined system of Hosain and Freathy teaches the method, system and machine readable medium of claims 1, 17, and 23, but failed to teach initiating a system shutdown on the mobile computer once the message has been received; and requiring a BIOS password to be provided prior to booting the operating system for any system reboot subsequent to the receipt of the message.

In another analogous art, Iwasa teaches requiring a BIOS password to be provided prior to booting the operating system for any system reboot subsequent to the receipt of the message ([0040]). It is convenient to require a BIOS password so that only the owner can turn on the unit.

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Hosain and Freathy to include requiring a BIOS password to be provided prior to booting the operating system for any system reboot subsequent to the receipt of the message, as taught by Iwasa, for the advantage of disable the unit to prevent the offender to take advantage of inactivity to commit an offense without detection and only the owner can turn the unit back on.

Considering claim 16, Iwasa further teaches allowing the BIOS password requirement to be removed once a valid BIOS password has been given and the system has returned to normal operating state ([0040]).

6. Claims 7, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,542,730 (Hosain) and US Patent No. 6,774,797 Freathy et al. (Freathy) as applied to claim 1 above, and further in view of US Patent No. 6,757,531 Haaramo et al. (Haaramo).

Considering claim 7, the combined system of Hosain and Freathy teaches the method of claim 1 but failed to further teaches receiving the queued message upon entering the wireless network if the mobile computer was outside of the range of the wireless network when the message was received.

In an analogous art, Haaramo teaches receiving the queued message upon entering the wireless network if the mobile computer was outside of the range of the wireless network when the message was received (col. 9 lines 18-36). It is convenient to send the message when the mobile computer enters the wireless network to ensure that the user receives the message.

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Hosain and Freathy to receive the queued message upon entering the wireless network if the mobile computer was outside of the range of the wireless network when the message was received, as taught by Haaramo, for the advantage of ensuring that the user receives the message.

Considering claim 14, the combined system of Hosain and Freathy teaches the method of claim 1 but failed to teach queuing the message further comprises storing the message on a message server located on the wireless network.

In an analogous art, Haaramo further teaches queuing the message further comprises storing the message on a message server located on the wireless network (communication server, col. 9 lines 32-37). It is convenient to send the message to the message server so that the server can send the message out when the mobile computer is detected.

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Hosain and Freathy to store the message on a message server located on the wireless network, as taught by Haaramo, for the advantage of sending the message to the user when the mobile computer is detected.

Considering claim 15, the combined system of Hosain and Freathy teaches the method of claim 1 but failed to teach storing the message in an always-on wireless subsystem located within the wireless computer.

In an analogous art, Haaramo further teaches queuing the message further comprises storing the message in an always-on wireless subsystem (master terminal) located within the wireless computer (col. 9 lines 38-47). It is convenient to store the message in an always-on wireless subsystem so that the server would save resources on saving the messages.

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Hosain and Freathy to store the message in an always-on wireless subsystem located within the wireless computer, as taught by Haaramo, for the advantage of saving resources for the server.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Au whose telephone number is (571) 272-2822. The examiner can normally be reached on 8am-5pm Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GA

LESTER G. KINCAID
SUPERVISORY PRIMARY EXAMINER